

Remarks:

Claims 44-47, 55-58, 62-65, and 120-123 remain for consideration in this application. All other claims have been withdrawn in response to the restriction requirement mailed December 3, 2003.

In the recent Office Action, the Examiner imposed a restriction requirement requiring that Applicants select 1 group of claims for prosecution in this application out of 29 groups of claims. Applicants originally elected Group III (Claims 44-54 and 59-61). Applicants further elected SEQ ID No. 14 as the sequence pursuant to the species election. However, claims 48-54, and 59-61 were drawn toward SEQ ID No. 1 while the claims of Group IV (claims 54-58, 62-65 and 120-123) were all drawn toward SEQ ID No. 14 with the exception of claim number 54 which claimed a specific plasmid which incorporated SEQ ID No. 1. Accordingly, claim number 54 should probably have been included in Group III rather than Group IV. In light of applicants' selection of SEQ ID No. 14, it appears that Group IV would be the more appropriate group to elect provided that claims 44-47 are also included in this group. Thus, applicants specifically request that their original selection of Group III be changed to Group IV.

The originally elected Group III contained claims directed to transformed cell lines (Claims 44-47), isolated DNA sequences (Claims 48-50), plasmids containing specific SEQ ID Nos. (Claim 54), and vectors containing specific SEQ ID Nos. (Claims 59-61). Each of the specific SEQ ID Nos. referred to in the claims of Group III specifically refer to SEQ ID No. 1. With respect to Claim 44 and 45, these claims could be included in either Group III or Group IV while claims 46 and 47 could not possibly be a part of Group III because they refer to DNA that is non-simian in origin. The specification clearly describes SEQ ID No. 1 as being of simian origin. Accordingly, applicant requests selection of Group IV for prosecution in this application, together with claims 44-47, in


order to provide the same scope originally provided by Group III but directed toward SEQ ID No. 14 rather SEQ ID No. 1. Group IV would thus contain claims directed toward transformed cell lines (Claims 44-47), isolated DNA sequences (Claims 120-123), plasmids containing specific SEQ ID Nos. (Claim 55-58), and vectors containing specific SEQ ID Nos. (Claims 62-65). Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

Applicants continue to select SEQ ID No. 14 pursuant to the election requirement.

Any additional fee due in connection with this amendment should be applied against Deposit Account 19-0522.

Respectfully submitted,

By



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